

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS**

MIDLAND-ODESSA DIVISION

CASE NO.:

STACY GRAHAM,

Plaintiff,

vs.

JET SPECIALTY, INC.,

Defendant.

COMPLAINT

{Jury Trial Demanded}

Plaintiff, STACY GRAHAM, through counsel, sues Defendant, JET SPECIALTY, INC., and alleges the following:

1. This is an action for unpaid overtime brought under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, Et. Seq.
2. Plaintiff resides in Texas and is a past employee of Defendant.
3. Defendant, JET SPECIALTY, INC. is a domestic for profit corporation which is registered with the State of Texas and conducts business within this judicial district as well as throughout other states.
4. At all times material hereto, Defendant JET SPECIALTY, INC. was engaged in commerce in the area of the Oil Well Part Sales and Distribution. In furtherance of said business, Defendant’s employees handled, otherwise worked on goods or

materials and handled parts, goods and equipment that have been moved in or produced for such commerce.

5. At all times material hereto, Defendant JET SPECIALTY, INC. was the “Employer” of Plaintiff as that term is defined under statutes referenced herein and was “Enterprise” as it along with its employees was engaged in interstate commerce as described above and has annual gross sales and/or business volume of \$500,000 or more.
6. In justifiable reliance upon Defendant’s representations and promises, Plaintiff accepted employment and began working for Defendant as a delivery driver.
7. Defendant employed Plaintiff during the relevant time period of March 1, 2013 to 4/30/14.
8. During Plaintiff’s employment with Defendant, Plaintiff worked on the average of 75 hours per week, was not exempt from overtime, was never paid overtime pay and was paid a flat salary.
9. Defendant knowingly and willfully refused to tender payment of legally owed wages owed to Plaintiff.
10. Plaintiff has complied with all conditions precedent to bringing this suit, or same have been waived or abandoned.
11. Plaintiff has retained the services of the undersigned and is obligated to pay for the legal services provided.

COUNT I
VIOLATION OF FAIR LABOR STANDARDS ACT ("FLSA")

12. Plaintiff reavers and realleges paragraphs 1-11 herein.
13. Plaintiff alleges this action pursuant to the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §§ 216 (b), that Plaintiff is entitled to: (i) overtime pay, and (ii) liquidated damages pursuant to the Fair Labor Standards Act, 29 U.S.C. §§ 201 et seq.
14. Plaintiff seeks recovery of damages as referenced above and further seeks costs, and attorney's fees pursuant to 29 U.S.C. § 216(b).

WHEREFORE, Plaintiff demands judgment against the Defendant plus costs, reasonable attorney's fees, and such other remedy as the court deems just and appropriate.

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